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ABSTRACT

Effective interface between the Aid to Families with Dependent Children (IV-A) and the Child Support Enforcement (IV-D) programs is a key factor in assisting families in becoming self-sufficient, reducing welfare expenditures, and enforcing parental responsibility to support their children. Consequently, overcoming the procedural, technological, and organizational obstacles that impede interface between these programs has become a national priority. This handbook can be used as a teaching aid during the training as well as a reference for IV-A/IV-D professionals responsible for program interface. It is organized into the following four modules: (1) the need for IV-A/IV-D interface; (2) overview of the State IV-A/IV-D programs; (3) the IV-A/IV-D interface process: IV-A's role; and (4) the IV-A/IV-D interface process: IV-D's role. The course design is structured for an audience that comprises both IV-A and IV-D workers to maximize the utility and impact of the training. Each module provides instruction on how to conduct all exercises and includes a variety of handouts and summary materials to support each training activity as necessary. (ABL)

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Improving IV-A/IV-D Interface

HANDBOOK

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U.S. Department of Health and Human Services
Office of Child Support Enforcement
National Institute for Child Support Enforcement

Improving IV-A/IV-D Interface Handbook

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May 1988

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PREFACE

Effective interface between the Aid to Families with Dependent Children (IV-A) and the Child Support Enforcement (IV-D) programs is a key factor in assisting families in becoming self sufficient, reducing welfare expenditures, and enforcing parental responsibility to support their children. Consequently, overcoming the procedural, technological, and organizational obstacles that impede interface between these programs has become a national priority.

In an effort to improve the communication, cooperation, and coordination between these two programs the Federal Office of Child Support Enforcement (OCSE) directed the National Institute for Child Support Enforcement to develop a training program for both IV-A and IV-D managers and workers.

To assess the specific obstacles to program interface and determine training needs, the Institute conducted a national survey of State IV-A and IV-D Directors. Based on the survey results, the Institute developed a IV-A/IV-D interface training package composed of this Handbook and a Trainer Guide.

The Handbook can be used as a teaching aid during the training as well as serve as a reference for IV-A/IV-D professionals responsible for program interface. The Handbook is made up of the following chapters:

- The Importance of IV-A/IV-D Interface
- Overview of State IV-A and IV-D Programs
- The IV-A/IV-D Interface Process: IV-A's Role
- The IV-A/IV-D Interface Process: IV-D's Role

The accompanying Trainer Guide is intended for use by State supervisors and trainers responsible for designing and conducting their own IV-A/IV-D interface training. It is organized into five modules including:

- The Need for IV-A/IV-D Interface
- Overview of the State IV-A and IV-D Programs
- The IV-A/IV-D Interface Process: IV-A's Role
- The IV-A/IV-D Interface Process: IV-D's Role
- Strategies for Improving Interface.

This structure allows for maximum flexibility since each module can either stand alone or be used in combination with others. The Trainer Guide is designed to be easily supplemented with State-specific materials.

We recommend that both IV-A and IV-D workers attend this training together to maximize its utility and impact. We also suggest that instructors or facilitators from both programs be used in the same training session. These strategies are effective in enhancing communication and cooperation between personnel from both programs.

We hope that this training package assists you in improving IV-A/IV-D interface. Please provide us with your feedback by completing the evaluation form at the end of this publication and forwarding it to NICSE.

CHAPTER 1
The Importance of IV-A/IV-D Interface

INTRODUCTION

Providers of Aid to Families with Dependent Children under Title IV-A of the Social Security Act and providers of Child Support Enforcement under Title IV-D of the Social Security Act have interdependent functions. The two programs have in common:

- **Program Participants**: IV-A and IV-D participants are usually women heading their own household.
- **Program Goals**: Both programs are expected to help families become (or remain) self-sufficient and to make sure children receive the support they are entitled to.
- **Budget**: Both programs are faced with budget constraints and expanding caseloads.
- **Process and Procedures**: Computer and recordkeeping systems require exchange of data for efficient program operation.

Further, the IV-A agency depends on the IV-D agency to obtain child support from absent parents to reduce IV-A expenditures. In return, the IV-D agency depends on the IV-A agency for timely, complete, and accurate referrals of new IV-A cases and for enforcement of the requirement that IV-A recipients cooperate with the IV-D agency in obtaining child support. In addition, IV-D depends on IV-A to prepare the custodial parents for legal services (e.g., explaining such issues as the effect of the assignment of support, and the conditions/consequences of fraud and non-cooperation). Hence, the level and quality of cooperation and coordination are extremely important to effective IV-A/IV-D interface which enhances the attainment of goals for both programs.

Despite their interdependence, a recurring problem identified by both agencies throughout the country is the lack of productive IV-A/IV-D interaction. The two major issues that impede the effective flow of work between the two agencies are:

- Miscommunication between IV-A/IV-D workers.
- Workers' lack of information or misinformation about their roles and responsibilities.

The term "IV-A/IV-D Interface" refers to cross-program support activities and encompasses situations where information flows from one program to the other. This includes, for example, referring a IV-A recipient for child support enforcement services, notifying the IV-A worker of monthly child support collections, alerting the IV-A worker if the absent parent returns to the home, or using a computer network to gather information from the recipient's records.

This chapter describes the interrelatedness of the two agencies, and provides the basis for understanding the need for effective interface.

THE INTERRELATEDNESS OF THE IV-A AND IV-D PROGRAMS

The goals of the IV-A and IV-D programs are compatible in that they both serve the needs of children. Established in 1935, Title IV-A provides financial assistance to needy families with dependent children in which one or both parents are deceased, absent from the child's home and not providing support, or physically or mentally disabled. Families in which the primary wage earner is unemployed were included later as a State option. The IV-A program's original and continuing goal is to encourage the care of dependent children in their own homes or in the homes of relatives by enabling States to furnish financial assistance and rehabilitation to needy dependent children and the parents or relatives with whom those children reside.

In the early days of the IV-A program, death of a parent was the primary basis for the deprivation of parental support. For example, in 1948, 25 children per 1,000 under 18 were receiving IV-A assistance. However, by 1987, this figure had increased to 113 children per 1,000 for a total of 7.1 million children receiving IV-A assistance at an annual cost of $1.5 billion.[1] Only 10 percent of these children were receiving assistance as a result of the death of a parent.

In 1975, Title IV-D was created to counter the rising welfare costs due to the nonsupport of children by parents capable of supporting them. The IV-D agency has the legal responsibility to enforce the support obligation owed by absent parents to their children by locating the parent, establishing paternity, and obtaining child support. One important goal of the program is to ensure that responsibility for support rests with the parent, not with the taxpayer. Since many absent parents do not voluntarily meet their support obligations, enforcement is often necessary to achieve this goal.

Federal requirements mandate cooperation between the two agencies by stipulating that the IV-A agency will require each IV-A applicant or recipient, as a condition of eligibility for assistance, to assign to the State all rights to past and present support, and to cooperate with the State in locating the absent parent, establishing paternity, and obtaining support or other payments due the applicant or recipient and the child.

The two programs are aligned both in their long-range goals and their day-to-day operations. The IV-A agency depends on the IV-D agency to obtain child support from absent parents to reduce IV-A expenditures. The IV-D agency depends on the IV-A agency for timely, complete, and accurate referrals of new IV-A cases and for enforcement of the requirement that IV-A recipients cooperate with the IV-D agency in obtaining child support.

The IV-D agency can be of invaluable assistance to the IV-A agency in meeting quality control standards mandated by Federal law. In order to receive Federal funds for its program, the IV-A agency must contain its eligibility errors within the federally-determined tolerance range. The IV-D agency, by providing timely information on support collections, can help IV-A avoid continuing a family on

assistance rolls when the amount of support collected is sufficient to result in ineligibility for public assistance.

IV-D also can assist IV-A's own routine field investigations which seek to verify case information collected in interviews. Not every case can be investigated, and timely information from the IV-D agency can allow the IV-A agency to direct its efforts toward cases which most merit scrutiny.

To foster family responsibility, meet the needs of children, and be accountable to taxpayers, it is essential that the two programs are effectively coordinated. IV-A and IV-D workers can contribute to successful interface by:

- Understanding the goals and requirements of both programs
- Understanding what information is required for each program to do its job
- Developing criteria for informing or consulting counterparts
- Providing full, accurate, and prompt information.

SOCIAL AND ECONOMIC IMPLICATIONS OF THE NONSUPPORT PROBLEM

It has become clear that the increase in families receiving IV-A assistance is related to the growing problem of nonsupport. Increases in the number of IV-A recipients correspond to changes in the traditional family unit. For over a decade, the fastest-growing family structure has been the one-parent unit. This phenomenon reflects escalating divorce rates, the increase in marital separations, and the growing number of mothers who never married.

Of particular concern is the rate of out-of-wedlock births among teenagers. During 1984, over 1 million teenagers, or over 2,700 per day gave birth, and about 55 percent of these babies were out-of-wedlock births.[2] Many such teenage parents do not complete high school and lack marketable skills, often entering a pattern of unemployment, poverty, and dependence. All are potential recipients of IV-A assistance.

A growing number of single mothers are heading their own households. In 1985 there were 31 million families with children under 18 in the home, and 8.8 million were one-parent households headed by females.[3] Thus, increasing proportions of families are headed by women with sole responsibility for raising and caring for children. Since the probability that a woman will become a widow has not changed substantially, the increase in female-headed households can be largely attributed to the rising separation, divorce, and out-of-wedlock birth rates.

This situation is economically as well as sociologically significant because the absence of a parent usually means a lower standard of living for the family. In 1985, the median family income for a husband-wife family in which both parents work was $29,247. For a female householder with no husband present, the median family income was $10,960.[4] Typically, the woman must support herself and two children.

In 1985, the poverty rate for the Nation, determined on an income-per-family basis, was 11 percent. The rate was 40 percent for single-parent families headed by white women and 75 percent for those headed by black women.[5] The composite poverty rate for all families headed by females with no husband present was more than three times that for married-couple families. In short, society is faced with an increasing number of dependent children in female-headed households with marginal incomes.

These women, left alone to care for their children, face many problems. Those who work usually cannot command a sufficient salary to pay for child care and to meet the needs of their families. Without financial support from absent fathers, mothers may be forced to seek public assistance in order to meet their basic needs and eliminate the cost of child care during work hours. This solution is common; approximately 50 percent of female-headed households are receiving IV-A assistance.

In 1985, of the 8.8 million women living with a child under 21 years of age whose father was not living in the household, just 61 percent were awarded child support.[6] Other research shows that those who have not obtained a court order for child support are predominantly the never-married or separated, minorities, and women without a high school education. Many of this same group are IV-A recipients.

When child support is awarded, it is often too low to meet the needs of the children. The average amount of court-ordered child support due in 1985 was $185 per month. This is only one quarter of the average amount spent on children in a middle-class family. Adjusting for inflation, the value of child support payments decreased 15 percent from 1978 to 1983 and another 12 percent from 1983 to 1985.[7]

Finally, not enough of the support ordered is collected. Of the women due child support payments in 1985, just under half received the full amount; about one quarter received partial payments; and over a quarter received nothing.[8] So the problem of nonsupport is a combination of non-existent orders, inadequate orders, and low compliance with orders.

THE BENEFITS OF EFFECTIVE SUPPORT ENFORCEMENT

The millions of dollars that the IV-D program collects each year represent a direct benefit to children and families as well as to taxpayers. The program is one of very few government undertakings that helps needy families while also saving tax dollars.

As of October 1, 1987, the Federal Government matches 68 percent of costs incurred by States in the administration of the program, matches 90 percent for costs related to the development of approved statewide management information systems, and permits a State to reimburse itself for all assistance paid to the family.

In addition to its direct revenue-generating aspects, the IV-D program produces "cost avoidance" financial benefits through the provision of services to non-IV-A families, who, without income from child support, might be forced to turn to public assistance. Similarly, through program efforts, sufficient support is collected on

behalf of some IV-A families to eliminate their dependence on welfare and related assistance programs.

Establishing paternity for a child born out of wedlock and having that parent contribute financial assistance for the child's upbringing (that otherwise might come from public funds) benefits society and the child. In addition to providing income for the family, absent parents may be able to provide their children with access to such social entitlements as Social Security benefits, pension benefits, veterans' benefits, and other rights of inheritance. The children also gain social and psychological advantages from having legally identified parents and a sense of family heritage. Perhaps the most important of these advantages is escape from prejudices often held against children who cannot identify their fathers.

Another benefit of establishing paternity is that fathers and children no longer will be deprived of the knowledge that a parental relationship exists. A legally established relationship is a first step in creating a psychological and social bond between a father and his child. Further, it is in the child's best medical interest to know who his or her parents are. A significant number of diseases, illnesses, birth defects, and other abnormalities are passed to children by their parents. This knowledge of medical history is the only way of predicting a child's susceptibility to some medical disorders before they occur.

To strengthen the IV-D program, Congress passed the Child Support Enforcement Amendments of 1984 (Public Law 98-378) which required improvements to child support enforcement in four major areas:

- States must improve their available enforcement techniques (income withholding, liens, etc.) by passing legislation and implementing practices that have proved effective in other States.

- Federal audits beginning in fiscal year 1984 must measure performance as well as compliance with legislation.

- States must improve interstate child support enforcement by enacting and implementing statutes providing for income withholding across State lines and through expedited legal processes.

- States must provide child support enforcement services equally to welfare and nonwelfare families.

SUMMARY

The IV-A and IV-D programs are aligned both in their long-range goals and in their day-to-day operations. IV-A's goal is to provide financial assistance to needy dependent children not being supported by both parents. The IV-D program's goal is to return financial responsibility for children to their parents. Social changes eroding family life such as divorce and out-of-wedlock births have placed a heavy burden on the IV-A program and have increased the need to locate absent parents and require them to support their children.

The millions of dollars that the IV-D program collects each year represent a direct benefit to children and families as well as to taxpayers. The program results in economic, social, and medical benefits to children and fosters in families a sense of parental responsibility, heritage, and self-esteem.

FOOTNOTES

/1/ National Institute for Child Support Enforcement, Essentials for Attorneys in Child Support Enforcement (Washington, DC: U.S. Government Printing Office, 1986) xxii.

/2/ Children's Defense Fund, Child Support and Teen Parents (Washington, DC: Children's Defense Fund Adolescent Pregnancy Prevention Clearinghouse, November 1987) 5.

/3/ U.S. Bureau of the Census, Current Population Reports, Series P-23, No. 152, Child Support and Alimony: 1985 (Advance Data From March-April 1986 Current Population Surveys), (Washington, DC: U.S. Government Printing Office, 1987) 2.

/4/ U.S. Bureau of the Census 3.

/5/ U.S. Congressional Research Service/Congressional Budget Office, Children in Poverty (Washington, DC: U.S. Government Printing Office, May 1985).

/6/ U.S. Bureau of the Census 2.

/7/ U.S. Bureau of the Census 3.

/8/ U.S. Bureau of the Census 1.

CHAPTER 2
Overview of State IV-A and IV-D Programs

INTRODUCTION

In 1986, the Family Support Administration (FSA) was created within DHHS to bring together programs which serve families, in order to promote the provision of services. In addition to the IV-A and IV-D programs, FSA includes: the Office of Refugee Resettlement, the Office of Community Services, and the Office of Work Incentive Programs.

The creation of FSA promotes the goal of efficient service delivery for both the IV-A and the IV-D programs. Ten regional DHHS offices oversee the formulation and implementation of State policy within each region for IV-A and IV-D.

To receive Federal matching funds under both IV-A and IV-D, a State must submit, and have approved by the Secretary of DHHS, plans describing the provisions under which it proposes to operate its IV-A and IV-D programs. The State Plans describe how the State's operation of these programs will fulfill the requirements of the Social Security Act and other applicable Federal laws and regulations. State Plans are flexible instruments, readily amended to reflect changes in State laws, administrative regulations, or policy. Within the conditions established by the Social Security Act, States have certain options in deciding how the programs are to be organized and administered, who is eligible for aid, and how much aid eligible persons receive.

THE STATE IV-A PROGRAM: ROLES AND RESPONSIBILITIES

The Federal IV-A program provides Federal matching funds for State programs of cash assistance to needy families with children in which at least one parent is deceased, disabled or absent from the home. States, at their option, may also provide benefits for families in which dependency arises from a parent's unemployment. Twenty-six States, Guam, and the District of Columbia are currently providing benefits to families with unemployed parents. The amount of Federal matching funds for IV-A benefits varies from State to State under formulas providing higher percentages in States with lower per capita incomes. The national average contribution by the Federal Government is 54 percent. States establish their own income eligibility and benefit levels, and administer the program.

A State Plan, to be approved, must provide for statewide operation. All States have offices distributed in such a way as to make public assistance available to persons in all parts of the State, but the organizational patterns vary from State to State, e.g., State-administered or State-supervised patterns of administration. For example, there may be county offices under both organizational patterns but, in a State-administered program, the office is a unit of State government.

Select State Plan Characteristics

Select IV-A State Plan characteristics are:

- **Action on Applications**. 45 CFR 206.10 requires that, except in unusual circumstances, a decision shall be made promptly on application, pursuant to reasonable State-established time standards, not in excess of 45 days. This time standard is defined as the number of days from the date of application to the date that the assistance check, denial, or notice of change is mailed to the applicant or recipient. A State's standard for promptness may be established at less than 45 days, but it may not be used as a waiting period before granting aid or as a basis for denial. If all eligibility conditions are met, payment of assistance begins no later than the date of authorization or 30 days (or a shorter period established by the State) from the date of receipt of a signed and completed application form, whichever is earlier. States may choose to begin payment with the date of application if the applicant meets all eligibility conditions. Payment of benefits may not begin earlier than the date of application.

- **Presumptive Eligibility**. In cases where it appears that the applicant is eligible, States may choose to provide assistance before the eligibility determination process has been completed. If the State does provide assistance on the presumption of eligibility, it must later determine whether the recipient was, in fact, eligible for the period such assistance was granted. The State must have methods for assuring that Federal matching funds are claimed properly, i.e., a claim cannot be made until the presumption has been proved correct by the State's determination that all factors of eligibility have been met.

- **Hearings**. The State agency is responsible for providing either a hearing before the State agency or an evidentiary hearing at the local level with a right of appeal to a State agency hearing.

  Under 45 CFR 205.10(a)(5): "An opportunity for a hearing shall be granted to any applicant who requests a hearing because his or her claim . . . is denied, or is not acted upon with reasonable promptness, and to any recipient who is aggrieved by any agency action resulting in suspension, reduction, discontinuance, or termination of assistance or determination that a protective, vendor, or two-party payment should be made or continued. A hearing need not be granted when either State or Federal law requires automatic grant adjustments for classes of recipients unless the reason for individual appeal is incorrect grant

computation." The State may require that the request for hearing be made in writing, and it may establish a "reasonable" time limit, not to exceed 90 days, during which the applicant or recipient may appeal any agency action.

- **Eligibility**. The determination of need is left entirely to the States, and many States define need in general terms. Under Federal law applicable to all States, no applicant is eligible for IV-A in the month in which the total income of all members of the unit exceeds 185 percent of the State need standard (including special needs as defined by the State) before application of earned income disregards (other than certain limited disregards which a State may choose to apply to dependent children who are full-time students or are participating in a Job Training Partnership Act (JTPA) activity). See 45 CFR 233.200(v) for information on special needs and 45 CFR 233.20(a)(iii) for a complete definition of income disregards.

- **Age**. Title IV of the Social Security Act defines IV-A assistance as assistance to needy children who are under the age of 18 years or, at State option, to certain children who have reached their 18th birthdays and who meet the definition of "student." Optional coverage is limited to children age 18 but under 19 who are full-time students in secondary school or in the equivalent level of vocational or technical training and are expected to complete the program before reaching 19. A child age 16 to 18 who is not attending school full time must register and cooperate in referral for work or training in the Work Incentive (WIN) Program or other employment programs elected by the State.

- **Deprivation**. The determination that a child has been deprived of parental support or care may be based on the death, continued absence, or physical or mental incapacity of a parent which is expected to last for at least 30 days, or (if the State elects) unemployment of the parent who is the principle earner. This determination is made only in relation to the child's natural or adoptive parent or (in States which have a support law of general applicability) in relation to a stepparent who is married under State law to the child's natural or adoptive parent.

- **Employment**. There are four employment programs, three of which States may implement if they so choose.

  The Work Incentive Program. The Work Incentive Program is mandatory, although States could have applied (through 6/30/87) to operate (through 9/30/88) a Work Incentive Demonstration (WIN DEMO) Program (45 CFR 205.80) as an alternative. States

using WIN DEMO can develop and evaluate new and improved methods for administering the work-related objectives of the Social Security Act. Currently, 29 States are operating WIN demonstrations. This is an increase of nine States since the end of 1983.

Community Work Experience Program. The Community Work Experience Program (CWEP) (45 CFR 238) enables States to provide on-the-job training and work experience for IV-A recipients. Certain IV-A recipients who are required to participate in the WIN program may also be required to participate in the CWEP program.

Work Supplementation Program. The Work Supplementation Program (Work Supp) (45 CFR 239) allows States broad discretion in establishing employment programs in which IV-A recipients may, as an alternative to receiving their regular IV-A payments, volunteer to work and have their grant used to subsidize their wages. Voluntary participation in Work Supp excuses the recipient from the requirements of WIN and other title IV-A work requirements.

Employment Search Program. The Employment Search Program (ESP) requires, as a condition of eligibility, that individuals required to participant in WIN and those exempt from WIN because of remoteness must participate in an employment search program as recipients or as applicants. The State may further limit ESP requirements to certain groups, types, or classes of applicants and recipients and may permit volunteers to participate.

Additional State Employment Requirements. In addition to the optional employment requirements specified in Federal law, States also may establish employment-related conditions or requirements for eligibility, "if such conditions assist the State in the efficient administration of its public assistance programs, or further an independent State welfare policy, and are not inconsistent with the provisions and purposes of the Act" (45 CFR 233.10(a)).

1115 Demonstration Projects. In addition to the above alternative programs, States may operate their own demonstration projects with waivers granted under section 1115 of the Social Security Act.

Other Federal Regulations

The following Federal requirements apply uniformly in all States and must be specified in AFDC State Plans:

- **Citizenship/Alienage**. An eligible individual must be a citizen of the United States or an alien lawfully admitted for permanent residence or otherwise be permanently residing in the United States under color of law.

- **Deeming to Aliens**. For three years following entry into the U.S., a sponsored alien must provide information and documentation necessary to determine the income and resources of a sponsor (and the sponsor's spouse if the couple live together) that can be deemed available to the alien. The alien also must obtain any cooperation necessary from the sponsor(s). If the sponsor is an organization, the alien is ineligible unless the organization is without resources.

- **Residence**. There cannot be a durational residence requirement. If there is a State residence requirement, it must be specified in terms of residing in the State voluntarily, not for a temporary purpose, and with intent to remain--which includes having a job commitment or seeking employment when entering the State.

- **Social Security Number**. Each applicant for or recipient of IV-A is required to furnish or to apply for a Social Security number.

- **Assignment of Support Rights**. Applicants or recipients must assign to the State any accrued and continuing rights to support that they may have in their own behalf or in behalf of any other member of the assistance unit.

- **Cooperation in Obtaining Support**. Unless good cause for refusal can be determined under Federal regulations, each applicant for or recipient of IV-A must cooperate in:

  - Identifying and locating the parent of a child for whom aid is claimed

  - Establishing the paternity of a child born out of wedlock for whom aid is claimed

  - Obtaining support payments for the applicant, recipient, and/or child for whom aid is claimed

  - Obtaining any other payments or property including third-party medical payments due the applicant, recipient, or child.

Other Federal Assistance Programs

Since 1961, some States have extended IV-A eligibility to families where both parents are in the home, but the principle wage earner is unemployed. This removes any incentive for a family in economic distress to break up solely in order to qualify for IV-A. The program is called AFDC-UP.

The IV-A program works in conjunction with other social service programs. Two programs with which IV-A interfaces the most often are Medicaid and Food Stamps. States must provide Medicaid to any family on IV-A. Prior to 1984, Medicaid was terminated when the family ceased to receive cash assistance, but now Medicaid continues for families who lose IV-A because of increased earnings or child support payments. Eligibility for Medicaid coverage continues for four months after the IV-A grant is terminated. Most IV-A families are eligible for and receive food stamps to supplement cash assistance under IV-A. The IV-A caseworker who determines eligibility usually refers the client to the food stamp program.

THE STATE IV-D PROGRAM: ROLES AND RESPONSIBILITIES

In many States, the agency which oversees the IV-A program operates the IV-D program as well. Child support enforcement on the State level involves the specific functions devoted to securing payment of financial support from parents with dependent children. Although the way this is accomplished varies among programs, there are common State requirements mandated by Federal law. These include establishing a case file during an intake process, locating absent parents, establishing paternity, assessing financial responsibility, establishing an order of support, collecting and distributing funds, and enforcing support orders.

To meet Federal requirements and to receive Federal funds, each State IV-D program must, like IV-A, have an approved State Plan. The duties required of a State IV-D Program are detailed in 45 CFR 302. They specify that, among other things, each IV-D State Plan is required to:

- Establish or designate a single and separate organizational unit, to be known as the IV-D agency, to administer the IV-D State Plan.
- If necessary, enter into written agreements for cooperative arrangements with appropriate court and law enforcement officials whose services are needed to meet the mandated program requirements.
- Include a copy of State statutes or regulations that create procedures for establishing paternity, establishing child support obligations, and enforcing support obligations.
- Publicize the availability of support enforcement services.
- Maintain accounts and supporting records to ensure that claims for Federal funds are in accordance with applicable Federal requirements.

- Maintain records necessary for proper and efficient operations and ensure accuracy and verification of such reports.

- Design methods of administration to ensure that individuals who handle cash payments do not keep the accounting records of the monies collected.

- Bond all employees who have access to or control over funds collected by the program.

- Participate financially in the program.

Overview of the IV-D Program Functions

Case processing in the IV-D agency follows a specific pattern of case referral, absent parent location, paternity establishment, assessment of financial responsibility, support order establishment, support enforcement, and monitoring, collecting, and distributing support. Some cases will not require location; others will not require paternity establishment; and, in others, there will already be a support order. Whatever services are required, IV-D will proceed as discussed below.

- **Intake**. Intake includes all activities performed to open a child support case. The referral and application forms are screened to determine if the information provided is complete and accurate. Appropriate contacts are made to secure all needed information and to set up the case record.

- **Locate**. Locate involves all activities performed to locate absent parents or their assets. Local, State, and Federal services are used; if all efforts are unsuccessful these cases are classified inactive and are reviewed annually.

- **Paternity Establishment**. This step is necessary if paternity has not been previously determined. Although voluntary cooperation is attempted first, sometimes court action must be initiated. To aid in determining paternity, a court may order that a blood test be performed. Evidence from these tests is used widely throughout the IV-D program to minimize the guesswork involved in determining the parentage of a child.

- **Assessment of Financial Responsibilities**. To assess the financial responsibility of the absent parent, the entity responsible for establishing the order analyzes both the ability of the parent to pay and the needs of the children involved.

- **Establishment of an Order of Support**. Sometimes an order of support can be established with the cooperation of the absent parent; other times a judicial or administrative

hearing is necessary. If the parent is summoned to court and does not appear, the order may be issued by default.

- **Enforcement of the Support Order**. If a case becomes delinquent, it moves into the enforcement function where activities are undertaken to secure payment using procedures available by law. Enforcement techniques are numerous and include collection letters, income withholding, liens against property, Federal tax refund interceptions, reports to consumer reporting agencies, incarceration, and others.

- **Monitoring, Collection, and Distribution**. This function consists of recording and monitoring payments and disbursing money collected. Many innovative ways to make this process more effective are being tried, including the use of private credit bureaus, night deposit boxes, and drive-up windows.

SUMMARY

In 1986, IV-A and IV-D were brought under the same umbrella agency. FSA oversees the formulation and implementation of State policy through its ten regional offices. Each State submits a separate IV-A and IV-D State Plan detailing its approach to fulfilling its mission and complying with the Federal regulations of the respective programs. Close procedural cooperation between the agencies on a day-to-day basis is essential for the realization of their common goal--to support dependent children and strengthen family life.

CHAPTER 3
The IV-A/IV-D Interface Process: IV-A's Role

INTRODUCTION

To foster family responsibility, meet the needs of children, and be accountable to taxpayers, the IV-A and IV-D programs must work together. This chapter discusses how both programs can achieve effective interface through coordination and cooperation. As we discussed in Chapter 1, the term "IV-A/IV-D interface" refers to cross program support activities and situations in which information flows from one program to the other. The following discussion outlines the different roles and responsibilities of the IV-A program in the interface process.

DETERMINATION OF APPLICANT ELIGIBILITY

According to Federal regulations, IV-A cases in which continued absence of a parent is the reason for deprivation must be referred to IV-D within two working days of the furnishing of aid. Referrals should be accompanied by documentation of the eligibility determination and any other relevant information as prescribed by IV-D. Often, IV-D agencies develop an intake form to be used by the IV-A agency in obtaining required information. The IV-A and IV-D agencies may agree that notice will be provided upon the filing of an application for assistance rather than upon the determination of eligibility.

In determining IV-A eligibility, a child is considered deprived of parental care and support when either parent is absent from the home by reason of:

- Desertion or abandonment
- Divorce or legal separation
- Imprisonment
- Voluntary separation
- Death.

The IV-A worker is responsible for obtaining the necessary information and evaluating it in relation to the child's deprivation of support due to continued absence. Based on the information obtained, the worker must establish whether or not the child is in fact deprived due to continued absence, or whether the absence is merely a separation in order to qualify for IV-A. Continued absences resulting from divorce, legal separation, or imprisonment are easily identified and documented whereas those resulting from desertion, abandonment, or voluntary separation are more difficult to determine.

Continued absence of a parent from the home constitutes the reason for deprivation of parental support or care in any of the following circumstances:

- The parent is out of the home permanently
- The nature of the absence either interrupts or terminates the parent's functioning as a provider of maintenance, physical care, or guidance for the child
- The known or indefinite duration of the absence precludes counting on the parent to provide support for the child.

Whatever the cause of the absence, the case record must reflect the information obtained from the client, on which the decision was based.

Assignment of Rights to Support

As a condition of eligibility for assistance, the IV-A agency must require each applicant or recipient to:

- Assign to the State IV-D agency all rights to past and present support
- Cooperate with the State IV-D agency in locating the absent parent, establishing paternity, and obtaining support or other payments due the applicant or recipient or the child.

The assignment to the State of any rights to support from any other person provides the legal basis for the IV-D agency to collect support. This assignment applies both to the applicant and to any other member of the family for whom the applicant is applying for or receiving assistance. The assignment includes arrearages which have accrued at the time the assignment is executed [45 CFR 232.11 and 45 CFR 302.50].

In some States, the assignment of rights is filed by the IV-D agency with the clerk of the court of jurisdiction if a support order exists or when the support order is established. Where the clerk of the court does not serve as the point of collection, the IV-D agency must go directly to the absent parent. Upon doing so, by Federal regulations and State law, any support monies received from the absent parent must be sent to the State. No further support monies can be sent to the applicant/recipient until further notice is received from the IV-D agency. If the relative with whom a child is living fails to comply with the requirement to assign all rights to support, eligibility for assistance will be denied without regard to other eligibility factors. Any aid for which a child is eligible will be provided in the form of protective payments. Protective payments are made to a third person on behalf of the eligible child.

If there is a failure to execute an assignment, the State still may attempt to establish paternity and collect child support pursuant to appropriate State statutes and regulations which constitutes an assignment by operation of State law.

Cooperation in Obtaining Support

A second condition of eligibility for assistance requires each IV-A applicant or recipient to cooperate (unless good cause for refusing to do so is determined to exist) with the State in:

- Identifying and locating the absent parent of a child for whom aid is claimed
- Establishing the paternity of a child born out of wedlock for whom aid is claimed
- Obtaining support payments for a child for whom aid is claimed
- Obtaining any other payments or property due the applicant or recipient or the child.

Cooperation includes any of the following actions that are necessary for the achievement of the objectives specified above:

- Appearing at an office of the State or local IV-D agency as necessary to provide verbal or written information, or documentary evidence, known to, possessed by, or reasonably obtainable by the applicant or recipient
- Appearing as a witness at judicial or other hearings or proceedings
- Providing information or attesting to the lack of information under penalty of perjury
- Forwarding to the IV-D agency any child support payments received from the absent parent after an assignment has been made.

When the IV-D agency notifies the State or local IV-A agency of evidence of failure to cooperate, the IV-A agency must act upon that information to enforce the eligibility requirements. The IV-D agency depends upon IV-A to enforce the cooperation requirement. In some jurisdictions, applicants must cooperate with IV-D (usually in the form of an interview) before financial assistance is provided. Although the IV-D agency usually refers cases to IV-A for determination of non-cooperation, IV-A can initiate a determination of non-cooperation itself if the applicant fails to cooperate in completing the referral form. In all cases, it is the IV-A agency that determines whether a client has "good cause" for non-cooperation.

Determination of Good Cause for Refusal to Cooperate

If a claim of good cause is substantiated and approved by the IV-A agency, the IV-A applicant or recipient does not have to cooperate with support enforcement. The

burden of showing a likelihood of harm to the children must be met by the custodial parent. The basic grounds for a determination of good cause are:

- Physical or emotional harm to the child for whom support is sought
- Physical or emotional harm to the parent or custodial relative with whom the child is living of such nature or degree that it reduces such person's capacity to care for the child adequately.

In addition, the State or local IV-A agency may determine that establishing paternity would be detrimental to the child for whom support is being sought if at least one of the following circumstances exists:

- The child for whom support is sought was conceived as a result of incest or forcible rape
- Legal proceedings for adoption are pending before a court of competent jurisdiction
- The applicant or recipient is currently being assisted by a public or a licensed private social agency to resolve the issue of whether to keep or relinquish the child for adoption, and discussions have not gone on for more than 3 months.

To justify a finding of good cause as defined by this regulation, physical harm and emotional harm must be serious. A finding of good cause for emotional harm may only be based on a demonstration of an emotional impairment that substantially affects the individual's functioning. For every good cause determination that is based in whole or in part on the anticipation of emotional harm to the child, the parent or the caretaker relative, as provided for in 45 CFR 232.43, the State or local IV-A agency will consider the following:

- The present emotional state of the individual subject to emotional harm
- The emotional health history of the individual subject to emotional harm
- Intensity and probable duration of the emotional impairment
- The degree of cooperation to be required
- The extent of involvement of the child in the paternity establishment or support enforcement activity to be undertaken.

Prior to requiring cooperation, the applicant or recipient is notified of the right to claim good cause, and of all the requirements applicable to a good cause determination. The following notice requirements apply:

- The notice must be in writing, with a copy furnished to the applicant or recipient

- The applicant or recipient and the caseworker will acknowledge receipt of the notice by signing and dating a copy of the notice which will be placed in the case record

- The notice may be in two parts, if the State elects

- The first notice shall advise:

  - The potential benefits the child may derive from establishing paternity and securing support

  - That by law, cooperation in establishing paternity and securing support is a condition of eligibility for IV-A

  - Sanction requirements for refusal to cooperate

  - That good cause may be claimed, and, if the State or local agency determines there is good cause, cooperation requirements will be excused

  - That, upon request or following a claim, the agency will provide further notice with additional details concerning good cause

- The second notice, provided promptly upon request, shall:

  - Indicate that corroborative evidence of a good cause circumstance must be provided, and, when requested, sufficient information must be furnished to permit investigation of the circumstances

  - Explain that reasonable assistance will be provided, upon request, in obtaining the corroborative evidence

  - List the circumstances under which cooperation may be determined to be against the best interests of the child

  - Advise that the IV-D agency may review the IV-A agency's findings and basis for a good cause determination and may participate in any hearing concerning the issue of good cause

  - Advise that the IV-D agency may either not attempt to establish paternity and collect support in those cases where it is determined there is good cause for refusing to cooperate; or the IV-D agency may attempt to establish paternity and collect support in those cases

where the IV-A agency determines that this can be done without risk to the applicant or recipient if done without their participation.

The IV-A agency will determine whether good cause exists. The final determination that good cause does or does not exist must:

- Be in writing
- Contain the agency's findings and basis for determination
- Be entered into the IV-A case record.

The IV-A agency's determination is made within 45 days from the day the claim is made. This time standard may be exceeded only where the case record documents that additional time is needed because verification of information cannot be obtained within the time standard or that the claimant did not provide corroborative evidence within the required period.

If the IV-A agency determines that good cause does not exist, the applicant or recipient is notified and afforded an opportunity to cooperate, withdraw the application, or have the case closed. Continued refusal to cooperate may result in imposition of a sanction such as protective payments.

IV-A REFERRAL TO IV-D

The first point of contact between IV-A and IV-D is usually the IV-A referral. In most jurisdictions this is accomplished through a referral/intake form. The referral form is used by IV-D to determine which cases can be processed without further interviews, which cases require further information, and which cases need multiple IV-D services, e.g., paternity establishment, absent parent location, support order establishment. (See Figure 1, IV-A Referral Flowchart.)

Although IV-A workers are concerned primarily with determining financial eligibility, they also are required to solicit and refer certain information to the IV-D agency to help establish an enforceable case. In every case, effective enforcement depends on the quality of the evidence collected. Since the custodial parent is typically most knowledgeable about the absent parent, it is critical that the information obtained on the referral form be as complete and accurate as possible.

The most essential information that IV-D needs to open an IV-A case includes:

- Information on the welfare or non-welfare family
- Information on the absent parent
- An executed assignment of support rights.

In addition to the assignment of rights to support, the IV-A agency can include a copy of the birth certificate, court order and any modifications, and a paternity acknowledgment.

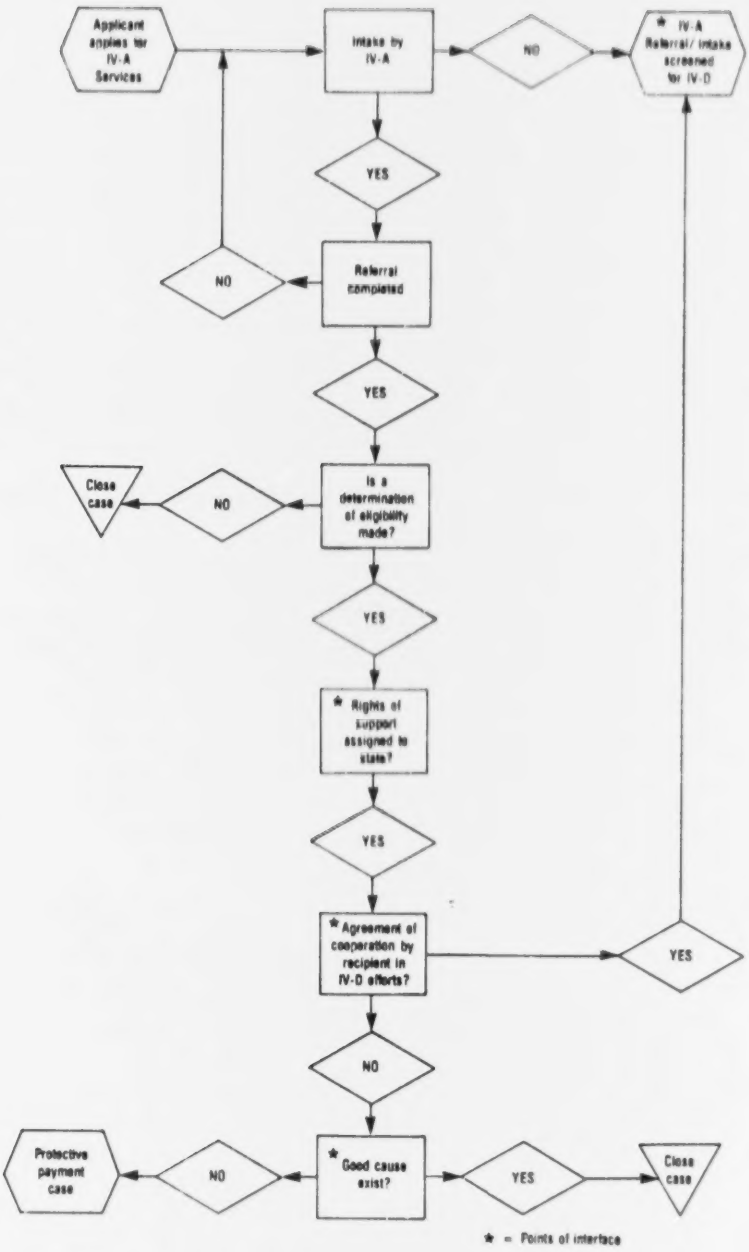

Figure 1. IV-A Referral Flowchart

Each State will have to determine whether the following lists are appropriate to its own program interface efforts. They are provided to serve as a point for discussion between the IV-A and IV-D agencies when deciding their own categories and criteria.

When referring the case, the following case identification information is needed:

- Case Identification
  - IV-A case name and number
  - IV-A caseworker name and ID number and telephone number
  - IV-A caseworker remarks

- Case Status
  - Initial referral date
  - Date of eligibility
  - Formerly referred date
  - Previous welfare recipient transferred from: (City, State)

- Caretaker under Sanction
  - Good Cause: Claimed
    Conferred
    Denied
    IV-D can proceed
  - Additional information

- Caretaker Relative
  - Name
  - Date of birth
  - Social Security number
  - Address and telephone number
  - Marital status
  - Relationship to absent parent.

The information on the applicant must include:

- Name
- Date of birth
- Social Security number
- Address
- Telephone number(s): home and work
- Marital status
- Other absent parents involved in case
- Current relationship to the absent parent
- Health insurance coverage and policy number.

The information on the child(ren) of the absent parent includes:

- Name
- Sex
- Social Security number
- Date of birth
- Place of birth
- Relationship to caretaker
- Health insurance coverage and policy number
- If paternity has been established
- If the absent parent ever admitted paternity
- Any current or previous court orders.

The most essential information on the absent parent includes:

- Name (first, middle, last) and aliases/nicknames
- Social Security number
- Sex
- A physical description of the absent parent (height, weight, hair and eye color, race), and any distinguishing marks
- Current/last known address and two previous addresses
- Mother's name and address and father's name and address
- The last known employer, employer's address and telephone number, and the type of work done
- If health insurance is available at work
- Work history, and income (including Social Security, Veteran's benefits, etc.)
- Incarceration status: dates and names of institutions
- Marital status
- Children's names, ages, and dates of birth
- Resources: bank accounts, real or personal property, and debts
- Whether or not the absent parent had a driver's license or owned an automobile
- Whether or not the child's paternity had been acknowledged or adjudicated, where applicable
- Whether or not the absent parent had contributed to the child's support
- Whether or not the absent parent visits with the family and, if so, when
- Whether or not the absent parent has health insurance and, if so, the name of the company, and the policy number.

Other information that is helpful in locating the absent parent includes:

- Driver's license
- Birthplace
- Absent parent's education
- Usual occupation and union affiliation
- Copy of support order

- Names and addresses of witnesses to absent parent's acknowledgement of paternity
- Names and addresses of absent parent's parents, friends, relatives and frequently-visited establishments, such as favorite bars, restaurants, or recreation areas
- Absent parent's assets e.g., real estate, bank accounts
- Medical insurance and other benefits
- Military service dates, identification numbers, and duty station of absent parent.

The accuracy, quality, and thoroughness of the information obtained on the referral form has a direct impact on how the case is processed by IV-D. Information about the circumstances of the absent parent and the relationship with the custodial parent and child can be very important to the outcome of the case and ultimately the financial security of the child.

Contact between the two agencies is important throughout the life of the case. The following situations indicate that something has changed in the applicant's child support case and should be communicated by the IV-A agency to the IV-D agency:

- The recipient asks to have the IV-A case closed
- The recipient becomes pregnant
- Children are added to, or removed from, the assistance unit
- The recipient's name or address changes
- The IV-A grant is terminated
- Other changes are made to the IV-A grant amount or family composition.

In addition to providing ongoing information exchange, IV-A workers can take steps to improve the referral process.

IMPROVING THE REFERRAL PROCESS

IV-A workers can improve the referral process by:

- Explaining to the recipient the purpose and operation of the IV-D program, and emphasizing the benefits to the children of being supported by both parents. One financial benefit of paternity establishment often not considered is the child's legal rights as heir and survivor. In addition, an absent parent may become more involved in the raising of the child when paternity is established and financial support is provided.

- Telling the client which information and documents should be brought to the interview, in jurisdictions where IV-A refers the client directly to IV-D for a separate interview.

- Explaining to the recipient that the first $50 of current child support collected each month is distributed to the custodial parent without affecting eligibility for, or the amount of, the IV-A grant. (The $50 pass-through is discussed in more detail on page 38.) Make sure that the applicant understands that any additional support collected may be retained by the State to reimburse itself for IV-A payments provided to the family. Also, should the amount of current support collected exceed the amount of the IV-A grant, the IV-A grant would be terminated but child support services would be automatically continued for up to 5 months. After this 5-month period, IV-D services would continue without the need to reapply or pay any application fee, until the custodial parent requests that IV-D terminate the IV-D case.

- Ensuring that the applicant's responses are consistent. For example, if the absent parent occasionally visits or provides some support, or if the child is very young, the applicant may be able to provide the absent parent's address and/or employer information.

- Assisting the applicant in filling out the IV-D referral form. Explain the purpose of the form, what information is required, and how it will be used. This is especially important because some questions on the form may ask about the applicant's marital history, paternity, and other personal information important to the child support enforcement process. Also explain that providing complete and accurate information on the referral form is part of cooperating with IV-D.

- Using probe interviewing and asking follow-up questions. For example, if the applicant does not know where the absent parent is working, the interviewer might ask:

  - Where did the absent parent work previously?
  - What kind of work did the absent parent do?
  - Does the absent parent belong to a union?
  - How does the absent parent get to work?
  - What are the absent parent's work hours?

  If the client does not know the absent parent's Social Security number, the interviewer may suggest looking for pay stubs, bank forms, tax returns, insurance, or other records which may be at the home or in the possession of friends or relatives.

- Making sure the entire form is complete. Line through items that are not applicable or for which information is not available (or write N/A).

SUMMARY

IV-A/IV-D interface begins the moment the IV-A worker determines, during the eligibility interview, the need for referral to IV-D. The IV-A caseworker's ability to collect complete, accurate information on the custodial parent, the child or children, and the absent parent will, to a large extent, determine the success of the IV-D agency in locating the absent parent and collecting support.

CHAPTER 4
The IV-A/IV-D Interface Process: IV-D's Role

INTRODUCTION

Coordination and cooperation between the IV-A and IV-D agencies must continue as a high priority after a case is referred by IV-A to IV-D. Most importantly, the IV-D worker is responsible for promptly notifying the IV-A agency of any information which may affect the recipient's eligibility status or payment amount. Failure to do so can result in payments to ineligible people, payments of incorrect amounts to eligible recipients, and quality control errors which may make the State subject to fiscal disallowances.

CASE PROCESSING

Before case processing begins, the IV-A referral forms are screened by IV-D to determine which child support services are needed. Within each service category, cases may be assessed and priorities set by the IV-D agency based upon the information provided on the referral form. In most States, the cases with the best potential are worked first. For example, if the service needed is absent parent location, cases with the best, most complete information about the absent parent are worked first. Cases in which the absent parent has acknowledged paternity or visits the child would receive a higher priority than those in which paternity was denied or there is little or no information provided.

Once the caseworker decides a case is ready for processing, the following steps are taken: IV-D intake, absent parent location, paternity establishment, support obligation establishment, and support enforcement. The following discussion outlines the different roles and responsibilities of the IV-D agency in the interface process.

IV-D Intake

After the IV-D agency receives the appropriate forms from the IV-A agency, a case record must be established. This intake function consists of compiling the data received from the IV-A agency along with other available IV-D information. If the information on the referral form is incomplete or inaccurate, the custodial parent will have to be interviewed by a IV-D caseworker. The intake interview is also an opportunity to provide information on the IV-D services to the custodial parent, since this individual probably will be the primary contact for the case. If the IV-A recipient/applicant refuses to cooperate, this information must be passed to the IV-A agency to ensure that proper sanctions are imposed. Figure 2, IV-D Intake Flowchart, illustrates the steps involved in this process.

Absent Parent Location

Under Federal law, the IV-D agency is charged with locating parents and alleged fathers who are not financially supporting their children. This often needed service is the most difficult to provide. It is also the one upon which all others are dependent. If the absent parent's whereabouts are unknown, he or she must first be

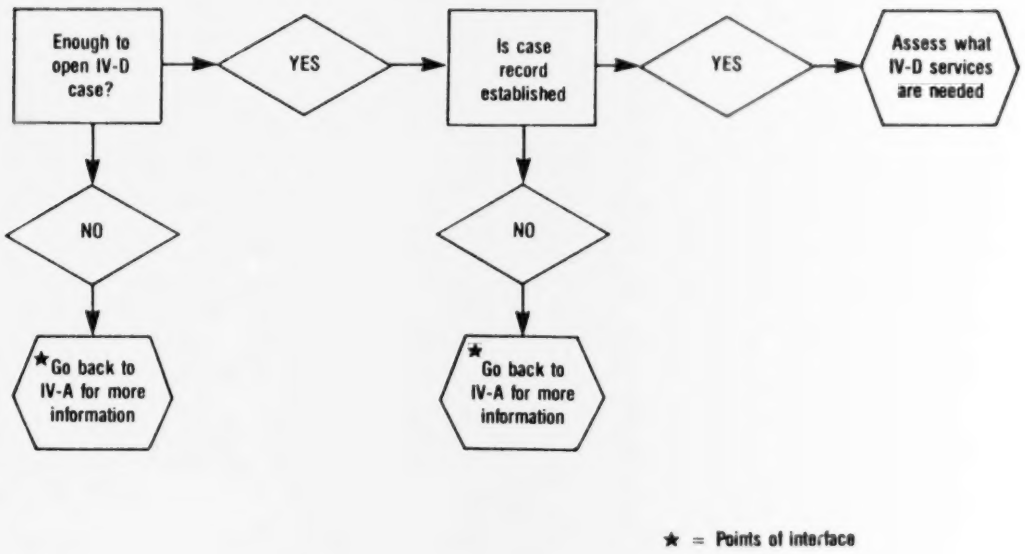

Figure 2. IV-D Intake Flowchart

located before other services can proceed. Because the primary source of locate information usually is the caretaker parent, he or she will be asked to provide such information. Again, the most crucial locate data is the individual's name and Social Security number -- it forms the basis for locating absent parents through computerized sources. A number of Federal, State, and local locate techniques are used including computer searches of data bases such as motor vehicle registration, credit bureaus, and criminal records; mailings with return receipt requested; and review of daily court/jail rosters.

If the absent parent is located, IV-D should notify IV-A. In the process of locating the absent parent, the IV-D caseworker may acquire information on both the absent parent and the IV-A recipient, such as:

- The recipient and absent parent live together
- The children live with the absent parent or elsewhere. (In some cases children, because of a joint custody decree, may live temporarily during the summers or other periods with the absent parent.)

Figure 3, Absent Parent Location Flowchart, illustrates the steps in the location process.

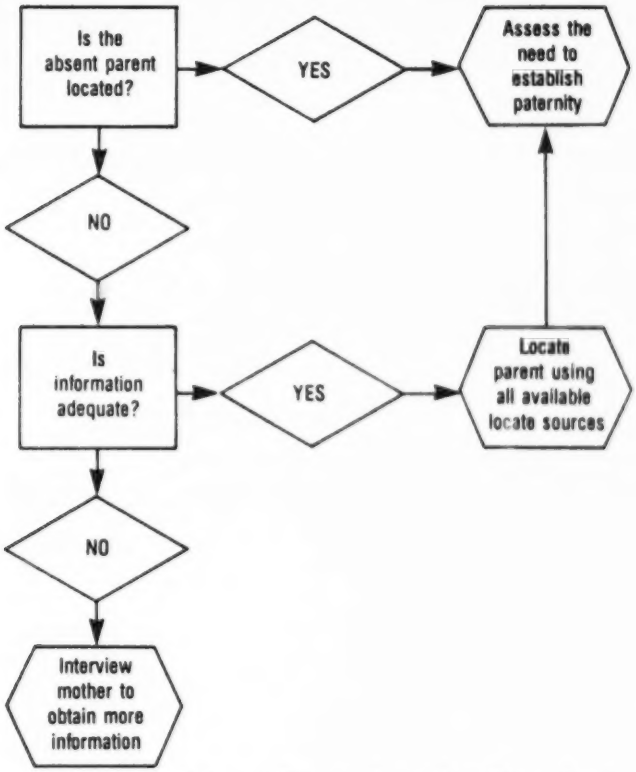

Figure 3. Absent Parent Location Flowchart

Paternity Establishment

Paternity must be established in order to obtain a child support order. Therefore, the following questions must be answered: What is the marital status of the parents? If parents are or were married, paternity is presumed. In cases involving children born out of wedlock, what is the current relationship between the absent parent and the child and the amount of support currently being paid or paid in the past? Is the alleged father willing to admit paternity and to provide financial support for his child? Has paternity been established by court judgment after either voluntary acknowledgement or blood test? If not, has the mother tried to have paternity established before?

If an alleged father denies paternity or is unsure, paternity testing is conducted to establish or disprove the relationship. If a man is falsely accused of fathering a child, genetic testing can prove his innocence 99 percent of the time. While statistical estimates of plausibility are not accepted as widely throughout the court system as are determinations of exclusion, these estimates are extremely reliable. In particular, when considered with other evidence of relationship, genetic evidence can turn an essentially subjective determination into a far more objective and verifiable proceeding. Once paternity has been established, the case is transferred over as a child support collection case. The IV-D agency should notify the IV-A agency of the outcome of the case. Figure 4, Paternity Establishment Flowchart, illustrates the steps involved in establishing paternity.

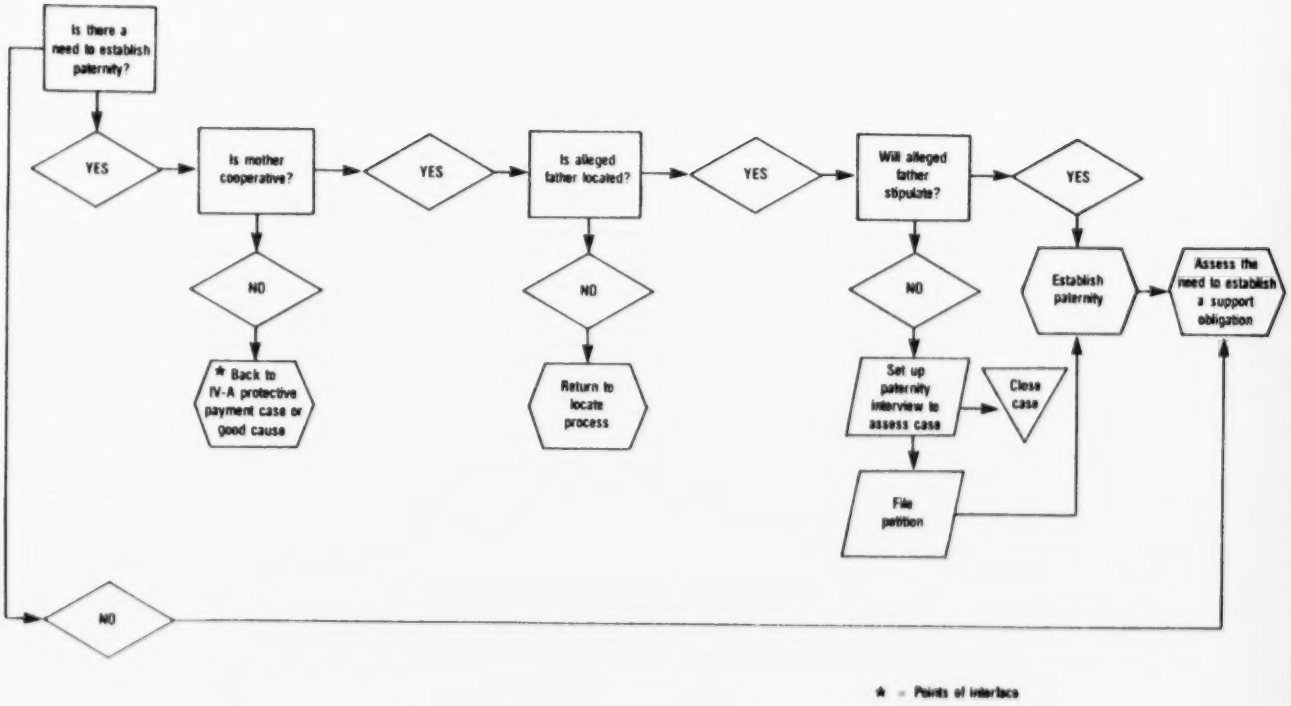

Figure 4. Paternity Establishment Flowchart

Support Obligation Establishment

Where paternity is not an issue, the IV-D agency must determine whether a legally binding support obligation exists or if one must be established. If one does exist, a copy of the order or information as to where one may be obtained is needed.

If an order does not exist, the IV-D agency must determine how much financial support an absent parent should be required to pay. There are two major considerations in doing so:

- The financial needs of the child(ren)
- The absent parent's ability to provide support.

Once the agency has completed its investigation of the absent parent's financial situation, the information is used to recommend a support amount. To obtain a legal support order, the IV-D agency (on behalf of the State, the custodial parent, and the child) initiates an action in court or through expedited legal processes, depending on specific State procedures. A legally enforceable obligation is crucial to collecting support because, if the absent parent does not pay, the support order is necessary to the enforcement procedures discussed below. Figure 5, Support Obligation Establishment Flowchart, illustrates the steps involved in establishing support.

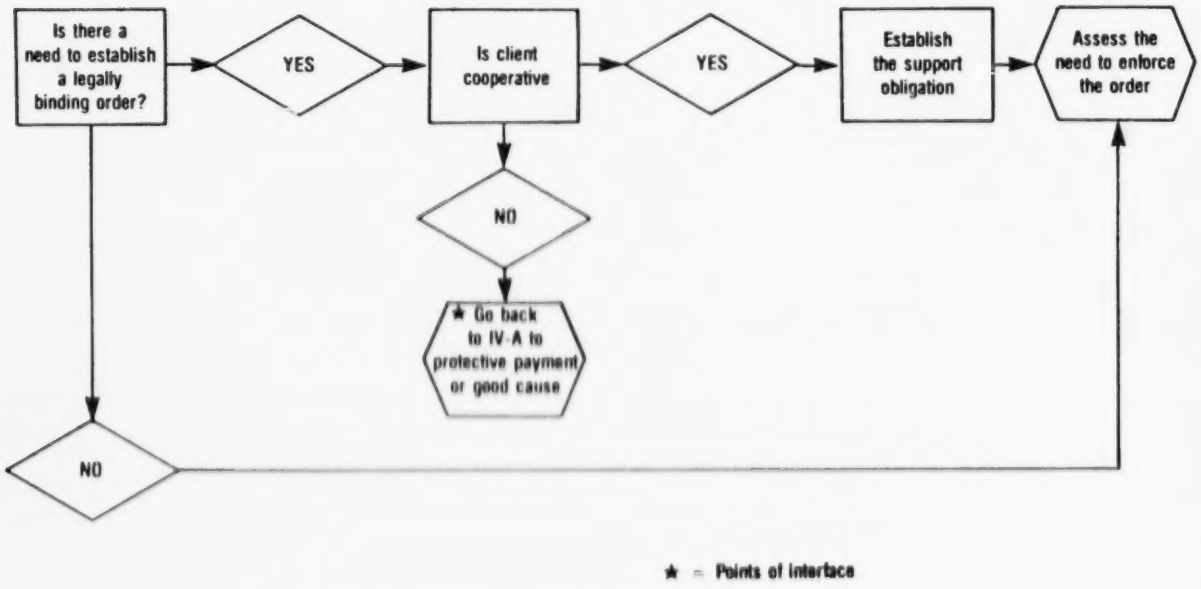
Is there a need to establish a legally binding order?
YES
Is client cooperative
YES
Establish the support obligation
Assess the need to enforce the order
NO
★ Go back to IV-A to protective payment or good cause
NO
★ = Points of interface

Figure 5. Support Obligation Establishment Flowchart

Support Enforcement

Technically, enforcement begins only after the absent parent has defaulted in meeting the required payments under an established support order. At this point, the IV-D agency must initiate actions to collect the delinquent payments. The enforcement techniques used are varied and depend on the State's policies and the circumstance of the individual case. Enforcement techniques may include such measures as wage withholding, liens, tax refund intercepts, and posting security, bond, or other guarantees. Figure 6, Support Enforcement Flowchart, illustrates the steps necessary for enforcing support.

CHILD SUPPORT PAYMENT COLLECTION AND DISTRIBUTION

The child support collection and distribution functions generally consist of the following activities: collecting child support payments; matching these payments to the correct cases; distributing the IV-A and disbursing the non-IV-A child support collections; billing the absent parent; and monitoring the payments made on each case.

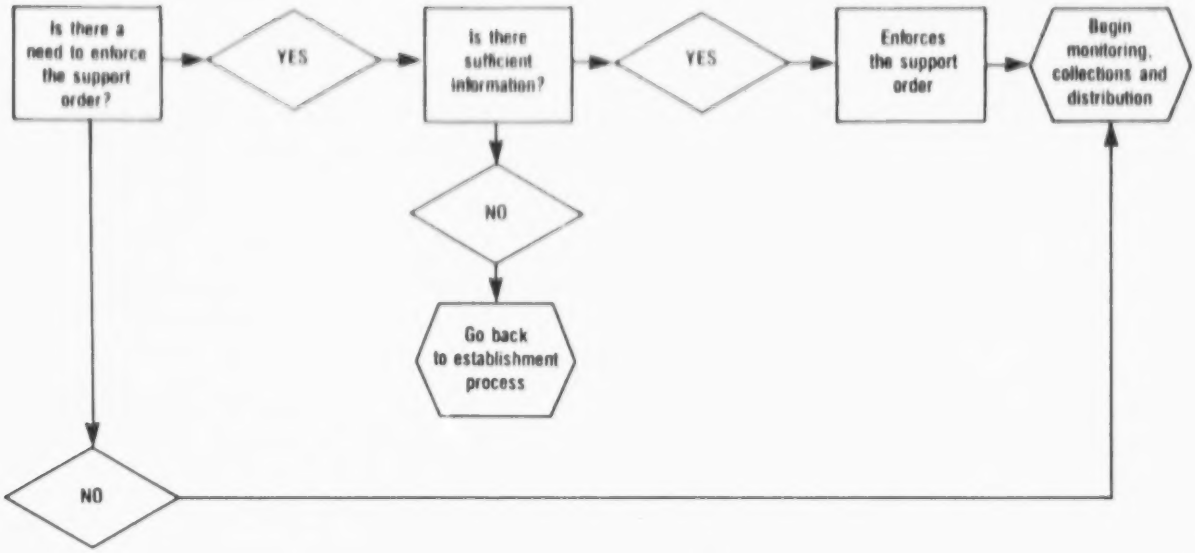

Figure 6. Support Enforcement Flowchart

The IV-D agency must notify the IV-A agency as soon as possible but no later than 30 days after the end of the month, of the amount of the collection which represents payment on the required support obligation for that month. The IV-A caseworker is required, based on this information, to redetermine the recipient's eligibility no later than the second month after the month in which the IV-A agency receives the report. If the family is determined to be ineligible, IV-A will notify IV-D at the effective date of the family's ineligibility. When support money is received by the IV-A applicant or recipient, the following actions must be taken:

- Support monies received by the IV-A applicant on pending IV-A cases must be reported to the eligibility worker. In turn, these monies are considered as income against the IV-A grant.

- Support monies received by the IV-A recipient on active IV-A cases must be turned over to the IV-D program. They cannot be kept by the IV-A recipient. In turn, these monies are distributed by the IV-D agency and either paid to the family or used to reimburse the State for assistance paid to the family.

- If the IV-A recipient refuses to turn the money over to the State, it is treated as income when calculating the IV-A grant amount.

IV-D must notify and provide the IV-A agency with substantiating evidence of the applicant's or recipient's failure to cooperate in obtaining support and in reporting and remitting support monies. As mentioned previously, upon notification by IV-D, IV-A must take action to enforce the cooperation requirement, unless there is a good cause for not cooperating.

In addition, IV-D should notify IV-A if the recipient is receiving child support directly and if he or she may be receiving assistance fraudulently (e.g., the recipient appears to be concealing income made by babysitting). Figure 7, Collection and Distribution Flowchart, illustrates the steps involved in this process.

In many IV-D agencies, collection and distribution functions are handled by a special unit of workers whose duties may include the following:

- Receipt of payments

- Matching payments to cases and absent parent accounts

- Posting or crediting payments to the accounts

- Distributing and disbursing funds

- Accounting for all funds received and disbursed

- Preparing and sending monthly billing notices

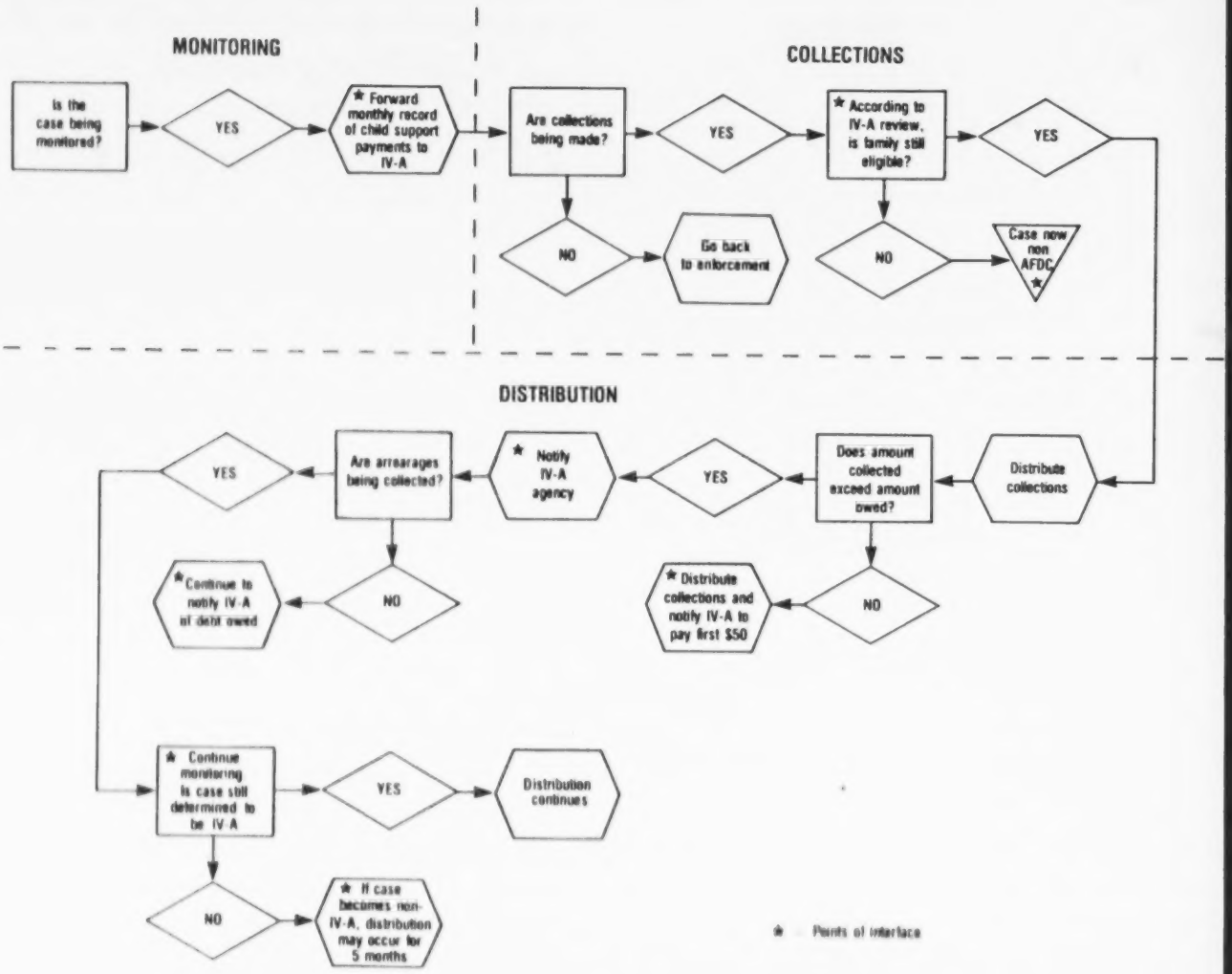

Figure 7. Collection and Distribution Flowchart

- Preparing and sending delinquency notices
- Maintaining all payment records
- Preparing reports.

Method of Payment

Court and administrative orders to pay child support often include explicit information about the method of payment. Although the particulars vary, most absent parents submit their payments either to the court where the order was obtained or the agency through which enforcement and collection actions were taken.

Most child support payments are received in the form of money order, personal check, or certified cashier's check. However some agencies accept cash payments presented in person to the court cashier or child support collections specialist. Other States have begun accepting credit card payments, which can be taken over the phone.

Processing Payments

Payments must be clearly identified. One method is to use the absent parent's Social Security number as an account number, which works well unless the absent parent is obligated to more than one support order. In these cases, more information is required to ensure proper credit for payments. If the absent parent makes one undesignated payment and the payment is insufficient to cover all court orders in full, the payment is usually attributed equally to all obligations.

After the amount of the required monthly obligation has been computed and the order to which it belongs to is identified, then amounts received for that case for the entire month are separated into amounts that represent payment of the required monthly support obligations for the current month and amounts that represent payments on the support obligation for prior periods (if any excess amounts are collected).

There may be occasions when payments are received that the absent parent does not owe. In such cases, the payments are labeled invalid and are returned to the absent parent with an explanation. The case is then closed.

Recording and Reporting Payments

A record of all support payments is maintained that shows when payments were made, the amounts of payments, the method of payment (e.g. wage withholding, garnishment, personal check) and any arrearages that have accumulated. Because these records are critical to the enforcement of obligations, they should be updated regularly. Information on current support payments must be forwarded to the IV-A worker.

Distributing Child Support Payments

The IV-D agency notifies the IV-A agency when support is collected on an IV-A case. The IV-A agency reviews the information to determine if the family

continues to be eligible for IV-A payments. If a IV-A case is closed, collection efforts continue to be made by the IV-D agency and payments received are transferred to the family for five months. The IV-D agency will continue to provide IV-D services after this time unless the custodial parent requests the IV-D agency to close the case. It is often in the best interest of the custodial parent to allow the IV-D agency to continue receiving and distributing collections; this process ensures a documented payment history, which could be used later in court or administrative enforcement actions.

The $50 Pass-Through

Section 457(b)(1) of the Social Security Act provides that the first $50 of child support collected that represents payments on current support obligations is to be paid directly to the IV-A family without any reduction in benefits. This provision of the law is intended to encourage the family to assist the IV-D agency in the collection of child support payments through providing current information on the whereabouts of the absent parent or other data helpful for collection purposes.

For example, a mother with two children applies for assistance. The eligibility conditions are met and the family receives public assistance payment under the State's IV-A program. Assume that this family's IV-A payment amounts to $350 per month and that the absent parent has a support obligation of $100 per child or $200 per month. Distribution will occur as follows: The family receives $50, while the balance of $150 is used to reimburse the State for assistance paid to the family. From this $150, the IV-D agency determines the Federal share so the IV-A agency may reduce the obligation due the State from the Federal Government.

SUMMARY

Throughout the child support enforcement efforts in locating the absent parent, establishing paternity, establishing support obligations, enforcing support, and collecting and distributing support, IV-D should systematically notify IV-A of the results obtained. Eligibility for continued IV-A can depend upon the amount of current support collected, so accurate monthly reports from IV-D are essential. Also, changes in the family situation affecting the family's eligibility for assistance, or perhaps subtle changes indicating possible fraud, must be communicated from one agency to the next.

With proper communication at every step, each agency will be most effective; each will achieve eligibility for maximum Federal support; and the child, parents, and society as a whole will be best served.

GLOSSARY

Absent Parent — Any individual who is absent from the home and is legally responsible for providing financial support for a dependent child.

Acknowledged Father — The natural father of a child born out of wedlock for whom paternity has been established by admission or stipulation.

Action — An ordinary proceeding in a court by which one party prosecutes another.

Admission — A voluntary or implied acknowledgment, confession, or concession of the existence of a fact or the truth of an allegation made by a party to the case.

Administrative Determination of Support — A support obligation arrived at as a result of the administrative process.

Administrative Enforcement — Powers granted to a State agency by statutes that allow for attachment and execution outside the judicial system on a responsible parent's assets.

Administrative Law — The branch of public law that deals with the limits placed on the powers and actions of administrative agencies. It is concerned with such topics as the collection of revenue, public safety, morals, poor laws, and police.

Administrative Process — A quasi-judicial system set up in a State agency by statute for the purpose of setting and enforcing child support obligations.

Aid to Families with Dependent Children (AFDC) — Title IV-A of the Social Security Act. A category of public assistance paid on behalf of children who are deprived of one or both of their parents by reason of death, disability, or continued absence (including desertion) from the home, and in some States, the unemployment of the custodial relative.

Alleged Father — A person who has been named as the father of a child born out of wedlock, but who has not been legally determined to be the father.

Applicant — The caretaker relative, the children, and any other individual whose needs are considered in determining the amount of AFDC assistance.

Arrearage	The total unpaid support obligation owed by a responsible person.
Assignment	An eligibility requirement for AFDC whereby the applicant/recipient must assign to the State all support rights he or she may have in their own behalf or in behalf of a dependent child.
Assistance	Support money or goods granted to a person or family based on income.
Case Prioritization	The classification of cases by the CSE office in descending order of their potential for collections. It is accomplished by isolating case characteristics and by determining their potential influence on collection success or failure.
Cooperation	A requirement of all AFDC applicants and recipients to assist the State or local IV-D agency in identifying and locating the parent of a child for whom aid is claimed, in establishing paternity, in obtaining support payments for the applicant or recipient and for such a child, and in obtaining any other payments or property due the recipient or the child. Cooperation includes: (1) appearing at an office of the State or local IV-A or IV-D agency as necessary to provide verbal or written information, or documentary evidence, known to, possessed by, or reasonably obtainable by the applicant or recipient; (2) appearing as a witness at judicial or other hearings or proceedings; (3) providing information, or attesting to the lack of information, under penalty of perjury; and (4) paying to the IV-D agency any support payments received from the absent parent after an assignment of support rights has been made.
Department of Health and Human Services (DHHS)	Formerly the U.S. Department of Health, Education and Welfare.
Dependent	A person to whom a duty of support is owed.
Deserted or Abandoned Child	Any child whose eligibility for AFDC is based on continued absence of a parent from the home (e.g., a child from a broken home or a child born out of wedlock).
FSA	Family Support Administration. The agency within DHHS that administers both the IV-A and IV-D programs.
Federal Parent Locator Service (FPLS)	The automated system devised and operated by OCSE for the purpose of searching Federal Government records to locate absent parents.

Garnishment	A legal proceeding whereby a person's (defendant's) property, money, or credit in the possession of or under the control of a third person (garnishee) is withheld from the defendant and applied to the payment of the defendant's debt to the plaintiff.
Grant Amount	The amount of public assistance granted to a family.
Hearings Officer	Statutorially-authorized individual who presides over any administrative hearings process.
Judgment	The official decision or finding of a court upon the respective rights and claims of the parties to an action; also known as a decree or order and may include the "findings of fact and conclusions of law."
Legal Father	A man who is recognized by law as the male parent of another person.
Lien	A remedy enacted by filing a judgment with a county recorder. It acts as an encumbrance on any real property owned by the obligor in the county of filing.
Obligation	The legal amount of support owed for the benefit of children as ordered by a court or administrative procedure.
OBRA	Omnibus Budget Reconciliation Act
OCSE	The Federal Office of Child Support Enforcement
OFA	Office of Family Assistance
Order	Every direction of a magistrate or judge to a person, made or entered in writing and not included in a judgment.
Paternity Case	An action to determine the parentage of a child born out of wedlock.
Protective Payee	Caretaker other than mother or father of child who receives the grant monies.
Public Assistance (PA)	Support money or goods granted to a person or family based on income.
Recipient	A person who receives public assistance.
Responsible Parent	Any individual who is legally responsible to provide financial support for a dependent child.

State Parent Locator Service (SPLS)	The organization in a State charged with the duty of locating absent parents for establishing or enforcing child support obligations.
State Plan	The documents submitted by the State to the Federal Government that explain how the IV-A or IV-D program is administered in that State to conform with Federal law and regulations. There is a separate State Plan for each program.
Title IV-A	Title IV-A of the Social Security Act is that portion of the Federal law covering the public assistance program.
Title IV-A Agency	A single and separate organizational unit in a State that has the responsibility for administering the State Plan under Title IV-A of the Act.
Title IV-D	Title IV-D of the Social Security Act is that portion of the Federal law covering the child support enforcement program.
Title IV-D Agency	A single and separate organizational unit in a State that has the responsibility for administering the State Plan under Title IV-D of the Act.
Wage Assignment	The right of a person to transfer through automatic deductions from his or her wages money to pay some debt such as child support; the assignment may be voluntary or involuntary. In a voluntary assignment the wage earner agrees to such a withholding. In an involuntary assignment, the court orders the wage earner to assign wages or suffer a contempt finding.

PUBLICATION EVALUATION

The IV-A/IV-D Interface Handbook

YOUR RESPONSES TO THE FOLLOWING QUESTIONS WILL ASSIST US IN PRODUCING PUBLICATIONS WHICH ARE RESPONSIVE TO OUR AUDIENCE.

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OVER

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